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1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 ANTHONY ARCEO, 11 No. CIV S-00-0057 GEB GGH P 12 Plaintiff, 13 VS. CAL TERHUNE, et al., 14 15 Defendants. <u>ORDER</u> 16 17 Plaintiff, a state prisoner proceeding pro se, initially filed this civil rights action under 42 U.S.C. § 1983. 18 19 Plaintiff now seeks to enforce provisions of a settlement 20 agreement which terminated the action. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. 21 22 § 636(b)(1)(B) and Local General Order No. 262. 23 On April 20, 2005, the magistrate judge filed findings 24 and recommendations herein which were served on all parties and 25 which contained notice to all parties that any objections to the

findings and recommendations were to be filed within twenty days.

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Neither party has filed objections to the findings and recommendations.

The findings and recommendations are not adopted since the federal court "lack[s] jurisdiction to address any disputes over the [parties'] settlement agreement." O'Connor v. Colvin, 70 F.3d 530, 533 (9th Cir. 1995); see also Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 382 (1994) (indicating that a settlement of a federal lawsuit is to be enforced in state court "unless there is some independent basis for federal jurisdiction"); Jessup v. Luther, 277 F.3d 926, 929 (7th Cir. 2002) ("The settlement is just another contract to be enforced in the usual way, that is, by a fresh suit.").

Because the federal court lacks jurisdiction over the parties' settlement agreement, this action is dismissed.

IT IS SO ORDERED.

DATED: June 23, 2005

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.

United States District Judge